

AFFIDAVIT OF NON-DEVELOPMENT

STATE OF WEST VIRGINIA

COUNTY OF MARSHALL, to-wit:

I, Shirley E. Terek, of 509 N. Second Ave., Paden City, WV, being of lawful age and being duly sworn, state that for the past 14 years I have been very familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Liberty District, Marshall County, West Virginia, being 57.70 acres, more or less, Tax Map #29, Parcel 15

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

1. Oil and Gas Lease of 40 acres from A. B. Yoho to J. A. Phillips, dated April 11, 1898, of record in the aforesaid Clerk's office in Deed Book No. 49, at page 457, for the term of five (5) years from this date, and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations as said premises are operated for the production of oil or gas.
2. Oil and Gas Lease of 338 acres from A. B. Yoho and Caroline Yoho, his wife, to J. S. Rogers, dated November 29, 1897, of record in the aforesaid Clerk's office in Deed Book No. 56, at page 457, for the term of ten (10) years from this date, and as much longer as the premises are operated for oil or gas, or as the rent for failure to commence operations is paid.
3. (a) Oil and Gas Lease of 96 acres from C. L. Yoho, a widower, to Earl M. Hennen, dated July 19, 1915, of record in the aforesaid Clerk's office in Deed Book No. 145, at page 227, for the term of ten (10) years from this date, and as long thereafter as oil or gas is produced from the said land by the said party of the second part, his heirs, successors and assigns.
(b) By Agreement dated March 21, 1925, of record in the aforesaid Clerk's office in Deed Book No. 186, at page 21, C. L. Yoho and Treacy Yoho, his wife, granted unto Hope Natural Gas Company an extension of that certain oil and gas lease of 96 acres made by C. L. Yoho and Treacy Yoho to Earl M. Hennen, dated July 19, 1915, of record in the aforesaid Clerk's office in Deed Book No. 145, at page 227, for the further term of five (5) years from the 19th day of July, 1925.
4. (a) Oil and Gas Lease of 28 acres from C. L. Yoho, a widower, to Earl M. Hennen, dated July 19, 1915, of record in the aforesaid Clerk's office in Deed Book No. 145, at page 231, for the term of ten (10) years from this date, and as long thereafter as oil or gas is produced from the said land by the said party of the second part, his heirs, successors and assigns.
(b) By Agreement dated March 21, 1925, of record in the aforesaid Clerk's office in Deed Book No. 186, at page 19, C. L. Yoho and Treacy Yoho, his wife, granted unto Hope Natural Gas Company an extension of that certain oil and gas lease of 28 acres made by C. L. Yoho to Earl M. Hennen, dated July 19, 1915, of record in the aforesaid Clerk's office in Deed Book No. 145, at page 231, for the further term of five (5) years from the 19th day of July, 1925.
5. Oil and Gas Lease of 28 acres from C. L. Yoho and Treacy Yoho, his wife, to the Hope Natural Gas Company, dated March 10, 1930, of record in the aforesaid Clerk's office in Deed Book No. 196, at page 555, for the term of five (5) years from July 19, 1930, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.
6. (a) By Agreement dated March 10, 1930, of record in the aforesaid Clerk's office in Deed Book No. 197, at page 107, C. L. Yoho and Treacy Yoho, his wife, granted unto Hope Natural Gas Company an extension of that certain oil and gas lease of 50 acres made by Caroline Yoho to Earl M. Hennen, dated July 19, 1915, of record in the office of the Clerk of the County Commission of Wetzel County, West Virginia, in Book No. 6A, at page 181, for the further term of five (5) years from the 19th day of July, 1930.
(b) By Agreement dated June 9, 1931, of record in the aforesaid Clerk's office in Deed Book No. 197, at page 505, C. L. Yoho and Treacy Yoho, his wife, granted unto the Hope Natural Gas Company an extension of that certain oil and gas lease of 50 acres made by Caroline Yoho to Earl M. Hennen, dated July 19, 1915, of record in the office of the Clerk of the County Commission of Wetzel County, West Virginia, in Book No. 6A, at page 181, for the further term of five (5) years from the 19th day of July, 1935.

- (c) By Agreement dated May 28, 1941, of record in the aforesaid Clerk's office in Deed Book No. 220, at page 51, Ruel H. Yoho and Anna Yoho, his wife, Ernest Yoho and Edith N. Yoho, his wife, Audrey V. Yoho and Arlene Yoho, his wife, Treacy Yoho, widow, Treacy Yoho, Gdn. for Alfred Wayne Yoho, T. J. Yoho and Etheal Yoho, his wife, Hubert Yoho, single, Eula B. Yocum Suttles and Henry A. Suttles, her husband, granted unto Hope Natural Gas Company an extension of that certain oil and gas lease of 50 acres made by Caroline Yoho to Earl M. Hennen, dated July 19, 1915, of record in the office of the Clerk of the County Commission of Wetzel County, West Virginia, in Book No. 6A, at page 181, for the further term of five (5) years from the 19th day of July, 1942.
7. Oil and Gas Lease of 96 acres from C. L. Yoho and Treacy Yoho, his wife, to the Hope Natural Gas Company, dated March 10, 1930, of record in the aforesaid Clerk's office in Deed Book No. 197, at page 109, for the term of five (5) years from July 19, 1930, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.
 8. Oil and Gas Lease of 96 acres from C. L. Yoho and Treacy Yoho, his wife, to the Hope Natural Gas Company, dated July 20, 1934, of record in the aforesaid Clerk's office in Deed Book No. 198, at page 567, for the term of ten (10) years from July 19, 1935, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.
 9. Oil and Gas Lease of 28 acres from C. L. Yoho and Treacy Yoho, his wife, to the Hope Natural Gas Company, dated July 20, 1934, of record in the aforesaid Clerk's office in Deed Book No. 198, at page 569, for the term of ten (10) years from July 19, 1935, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.
 10. Oil and Gas Lease of 96 acres from T. J. Yoho and Etheal Yoho, his wife, Ruel H. Yoho and Anna Yoho, his wife, Ernest Yoho and Edith Yoho, his wife, Hubert A. Yoho, single, Treacy Yoho, widow, Treacy Yoho, gdn. for Wayne Yoho, minor, A. V. Yoho and Arlene Yoho, his wife, Eula B. Yocum Suttles and Henry Suttles, her husband, to the Hope Natural Gas Company, dated May 3, 1944, of record in the aforesaid Clerk's office in Deed Book No. 227, at page 145, for the term of ten (10) years from July 19, 1945, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.
 11. Oil and Gas Lease of 28 acres from T. J. Yoho and Etheal Yoho, his wife, Ruel H. Yoho and Anna Yoho, his wife, Ernest Yoho and Edith Yoho, his wife, Hubert A. Yoho, single, Treacy Yoho, widow, Treacy Yoho, gdn. for Wayne Yoho, minor, A. V. Yoho and Arlene Yoho, his wife, Eula B. Yocum Suttles and Henry Suttles, her husband, to the Hope Natural Gas Company, dated May 3, 1944, of record in the aforesaid Clerk's office in Deed Book No. 227, at page 150, for the term of ten (10) years from July 19, 1945, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.
 12. Oil and Gas Lease (Lease No. 26550) of 30 acres from Geo. N. Yoho, widower, Clarence Yoho and Anna Yoho, his wife, O. C. Yoho and Mary Yoho, his wife, Treacy Yoho, widow, T. J. Yoho and Etheal Yoho, his wife, Eula B. Suttles, single, to The Manufacturers Light and Heat Company, dated March 19, 1952, of record in the aforesaid Clerk's office in Deed Book No. 272, at page 237, for the term of ten (10) years from the date hereof, and as much longer as operations for Oil and Gas are being conducted on the premises, or Oil or Gas is found in paying quantities thereon.
 13. Oil and Gas Lease (Lease No. 26549) of 100 acres from Geo. N. Yoho, widower, Clarence Yoho and Anna Yoho, his wife, O. C. Yoho and Mary Yoho, his wife, Treacy Yoho, widow, T. J. Yoho and Etheal Yoho, his wife, Eula B. Suttles, single, to The Manufacturers Light and Heat Company, dated March 19, 1952, of record in the aforesaid Clerk's office in Deed Book No. 272, at page 239, for the term of ten (10) years from the date hereof, and as much longer as operations for Oil and Gas are being conducted on the premises, or Oil or Gas is found in paying quantities thereon.
 14. Oil and Gas Lease (Lease No. 26546) of 58 acres from Geo. N. Yoho, widower, Clarence Yoho and Anna Yoho, his wife, O. C. Yoho and Mary Yoho, his wife, Treacy Yoho, widow, T. J. Yoho and Etheal Yoho, his wife, Eula B. Suttles, single, to The Manufacturers Light and Heat Company, dated March 19, 1952, of record in the office of the Clerk of the County Commission of Wetzel County, West Virginia, in Oil and Gas Lease Book No. 40A, at page 127, for the term of ten (10) years from the date hereof, and as much longer as operations for Oil and Gas are being conducted on the premises, or Oil or Gas is found in paying quantities thereon.

15. Oil and Gas Lease of thirty (30) parcels consisting of 2,658 acres from Esther Nell Mason, widow, Guy W. Mason, single, Hope Mason Conner, widow, Olga Haines and Ed Haines, her husband, Mary Yoho and George I. Yoho, her husband, Margaret Yoho and Guy Yoho, her husband, and Denver Yoho and Okla J. Yoho, her husband, to D. and H. Oil Company, dated March 5, 1980, of record in the aforesaid Clerk's office in Deed Book No. 484, at page 171, for the term of ten (10) years from this date and as long thereafter as oil or gas is produced from the said lands by the said Lessee, its successors and assigns.
16. Oil and Gas Lease of 2,658 acres from Nell Mason, widow, Guy W. Mason, single, Hope Mason Conner, widow, Olga A. Haines, widow, George I. Yoho and Mary Yoho, his wife, Guy Yoho and Margaret Yoho, his wife, and Okla J. Yoho and Denver Yoho, his wife, to Petroleum Development Corporation, dated May 16, 1981, of record in the aforesaid Clerk's office in Deed Book No. 484, at page 686, for the term of five (5) years from this date and as long thereafter as operations for oil and gas are being conducted on the premises, or oil or gas is found in paying quantities thereon.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 3rd day of April, 2008 Shirley E. Terek

ACKNOWLEDGEMENT

STATE OF WEST VIRGINIA }
COUNTY OF Wetzel } SS:

On the 3rd day of April, 2008, before me personally came the above named: Shirley E. Terek, being person(s) known to me to be the same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires 9-11-2016

Thomas A. Long
Signature / Notary Public

Thomas A. Long
Name / Notary Public (print)

County Recorder:
Please return recorded document to
Mason Dixon Energy, Inc.
101 Cambridge Place
Bridgeport, WV 26330

JAN PEST
MARSHALL County 11:37:48 AM
Instrument No 1263076
Date Recorded 01/23/2009
Document Type O&G
Book-Page 676-277
Recording Fee \$5.00
Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 3rd day of April, 2008, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 23rd day of January, 2009 at 11:37 o'clock A.M.

TESTE: Jan Pest Clerk.